

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

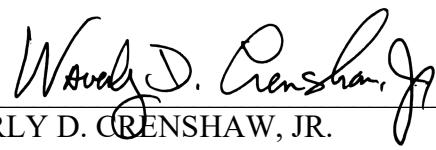
LEXON INSURANCE COMPANY, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )      **No. 3:23-cv-00772**  
                                )  
JAMES C. JUSTICE II,     )  
                                )  
Defendant.                )

**ORDER**

On October 30, 2023, Defendant James C. Justice II filed a brief styled as a Motion to Dismiss Count III Pursuant to Rule 12(b)(6). (Doc. No. 15). In doing so, Justice failed to comply with this Court's Local Rule that, unless otherwise provided, "every motion that may require the resolution of an issue of law must be accompanied by a separately filed memorandum of law." L.R. 7.01(a)(2). Accordingly, Defendant's Motion (Doc. No. 15) is **DENIED WITHOUT PREJUDICE**.

The parties shall address the factors this Court must consider when determining whether to exercise its discretion over declaratory claims, as enumerated in Grand Trunk Western Railroad Co. v. Consolidated Rail Corporation, 746 F.2d 323 (6th Cir. 1984) if a new motion to dismiss is filed.

IT IS SO ORDERED.

  
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WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE